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13 *Attorneys for Plaintiff*

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF MONTANA
16 MISSOULA DIVISION

17 ALLIANCE FOR THE WILD
18 ROCKIES,

19 Plaintiff,

20 v.

21 ENVIRONMENTAL
22 PROTECTION AGENCY,

23 Defendant.

CV 17-64-DLC

DECLARATION OF KRISTINE
AKLAND

24 I, Kristine M. Akland, declare as follows:

- 25 1. I am attorney licensed to practice law in the state and federal courts of
26 Montana. I have been a member of the State Bar of Montana since September
2014.

2. I obtained my undergraduate degree in biological sciences with a focus on environmental and ecosystem sciences from Northern Arizona University in 2009. I graduated on the Dean's Lists and received multiple grants for my research on ecosystem degradation and remediation.
3. I obtained my law degree in 2014 from the University of Montana School of Law in Missoula, Montana. While in law school I served as president of the Environmental Law Group, was a member of the Environmental Moot Court team and participated in the environmental clinic program.
4. My law practice is primarily focused on public interest environmental litigation. See *Alliance for the Wild Rockies v. U.S. Army Corps of Engineers et al.*, 3:16-CV-1407-HZ, 2017 WL 3172542 (D. Or. 2017) (appeal filed by Alliance for the Wild Rockies, August 21, 2017), *Alliance for the Wild Rockies et al. v. Leanne Marten et al*, 9:17-CV-21-DLC, (D.Mont. 2017), *Alliance for the Wild Rockies et al. v. Leanne Marten et al*, 9:17-CV-47-DLC-JCL (D.Mont. 2017), *Alliance for the Wild Rockies v. Savage*, ---F.Supp. 3d---, 2016 WL 3951362 (D.Mont. 2016), *Save Our Cabinets et al. v. Savage*, Case, ---F.Supp.3d---, 2016 WL 7972597 (D.Mont. 2016), *Clint Nagel, The Humane Society of the United States and The Center for Biological Diversity v. Montana Fish Wildlife and Parks and Montana Fish, Wildlife Commission*, No. CDV-16-682 (D. Mont. 2016), *Alliance for the Wild Rockies v. United*

1 *States Bureau of Reclamation and Bonneville Power Administration*, No.9:16-
2 CV-101-DLC, (D. Mont. Dec. 9, 2016), *Alpern v. Buchanan and United States*
3 *Forest Service*, No. 1:17-CV-24, (Colo. Dist. 2016).
4

5 5. I am considered to be a specialist with distinctive skill in federal environmental
6 law by the non-profit environmental community, and my services are sought
7 after by that community.
8

9 6. In light of my distinctive knowledge and skill, and my reputation and expertise,
10 my rates for district court work are \$200/hour in 2016; \$215/hour in 2017 and
11 \$250/hour in 2018.
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13 7. In my opinion, these rates are reasonable.
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15 8. I acted as lead counsel on this case.
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17 9. I maintain detailed, contemporaneous daily records for each tenth of an hour of
18 work time. These records are broken down by time expended and general
19 purpose of the work. The daily records of my work accompany this declaration
20 as Attachment A.

21 10. In reviewing the daily time records for work performed in connection with this
22 case, I have exercised billing judgment and eliminated categories of time spent
23 on certain activities. Accordingly, my daily records do not include any hours
24 expended on the administrative comment process. Additionally, I have deleted
25 hours spent on advising the client regarding media coverage. Thus, my daily
26

1 records do not include any unnecessary, redundant, or duplicative hours. In my
2 opinion, the professional hours detailed in my daily records that I am
3 submitting to the Court were reasonable and necessarily expended for the
4 preparation and successful presentation of this case. In my opinion, these hours
5 represent time that would properly be charged to a commercial client. As
6 detailed in Attachment A, the total hours expended was 36 hours, and the total
7 hours request for fees is 32.2 hours, and my total fee request at rates discussed
8 above, is for \$7,452,50
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12 11. Mr. Bechtold has also submitted hours as an attachment to his declaration
13 which are detailed in the table below.

14 12. Mr. Bechtold and I have maintained records of costs and other expenses
15 incurred in this matter. In the exercise of billing judgment, Plaintiff does not
16 request reimbursement for costs/other expenses related to Westlaw or PACER
17 research or telephone costs. As detailed in Attachment A and the table below,
18 Plaintiff's request for costs/ other expenses is \$432.02.
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21 13. Finally, Plaintiff utilized the services of an expert for this fee petition. The total
22 fee for expert witness is \$852.00 as set forth below and in the table below.
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24 a. Fee expert Rebecca Smith expended 2.4 hours at a rate of \$355 hour for
25 a total fee of \$852.00
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14. The table below includes all fees and costs requested by Plaintiff:

Attorney Fees	Rate	Hours	Total
Kristine Akland	2016: \$215 2017: \$225 2018: \$250	2016: 1.6 2017: 20.7 2018: 9.9 Total: 32.2	\$7,452.50
Timothy Bechtold	2016: \$365 2017: \$390 2018: \$415	2016: 4.5 2017: 13.5 2018: 5.7 Total: 23.7	\$9,273.00
	Attorney Fees Total		\$16,725.50
Expert Fees			
Rebecca Smith	\$355	2.4	\$852.00
	Expert Fees Total		\$852.00
Costs and Other Expenses			
Filing Fee			\$400.00
Complaint Copies and Postage			\$32.02
	Total Costs		\$432.02
		Grand Total	\$18,009.50

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th of February, 2018.

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/s/ Kristine M. Akland
Kristine M. Akland
Attorney for Alliance for the Wild Rockies.

A

Date	Time	Time Billed	Rate	Description	Amount Billed
8/16/16	1.1	1.1	200	Research past activities at Silver Bow Creek Butte Area SFS; read ROD.	220
9/6/16	0.5	0.5	200	Send FOIA to EPA via USPS	100
1/24/17	0.6	0.6	225	Draft and Send FOIA to EPA via email	135
1/25/17	4.3	4.3	225	Read ROD for BPSOU; call to client re: status; conference with co counsel; draft 60-notice to EPA, send to EPA, USFWS, DOI, MT FWS via certified mail.	967.5
2/7/17	0.3	0.3	225	Call from client re: Butte 60 day notice; send notice to client; check status of certified mail delivery; calendar date to file suite.	67.5
2/10/17	0.2	0.2	225	Review foia request; calendar date of response deadline; review 40 CFR2.101 for proper address to send	45
3/17/17	1.3	1.3	225	Receive email from EPA w/ response to 60 day notice; conference with Tim re: same and suit strategy; call to client re: same; develop strategy.	292.5
4/27/17	0.3	0.3	225	Read NOI response from USFWS; forward to client and Tim; call from client re: same.	67.5
5/15/17	1.9	1.9	225	Read FOIA response from EPA; conference with Tim and Rebecca re: same; draft complaint, send to Tim for review	427.5
5/16/17	1.8	1.8	225	Review Complaint with Tim's Edits; draft summons and civil cover sheet; call to client re: complaint and press release; save filed complaint and summons; print and send via cert mail to Defendants.	405
5/16/17	0.2	0.2	225	Call from Client re: Complaint	45
5/18/17	2.6	0	225	Review and research Superfund cite in Anaconda (1.2) determine that consultation on bull trout and bull trout critical habitat is needed; review and research RODs for SBCBA and determine consultation on bull trout is needed (.5); draft and send 60-day notice to EPA for both new issues (.9)	0
5/22/17	0.4	0.4	225	Call from client re: potential experts in case and concerns.	90
6/16/17	1.2	0	225	Review BiOp for Anaconda; email Rickey T re: others	0
6/28/17	0.7	0.7	225	Call from Rickey Turner re: CRCLA exemption and EPA reinitiating consultation, discuss alternative resolutions (.3); conference with Tim re: options for resolution (.4).	157.5
7/5/17	0.2	0.2	225	Read email from Ricky T., Conference with Tim re: same; draft and send email response to Ricky T.	45

8/1/17	0.1	0.1	225	Read and respond to email from Rickey T. re: phone call	22.5
8/1/17	0.5	0.5	225	Phone call from Rickey T re: consultation; read and review email and reinitiation ltr from EPA; call to client re: same	112.5
8/2/17	1	1	225	Conference with Tim re: no dismissal; email Rickey re: same (.3); receive call from Rickey re: same (.2); conference re: call from Rickey T; email Rickey re: phone call (.2)	225
8/3/17	1.3	1.3	225	Call from Rickey re: stay and JCMP; review proposed JCMP; revise; email same to Rickey; review email from Rickey; discuss with client; conference with Tim	292.5
8/4/17	0.1	0.1	225	Receive email from Rickey; review and discuss with co counsel	22.5
8/7/17	0.6	0.6	225	Receive email from Ricky re: stay option; respond re same; Review Motion to extend JCMP; conference with Tim; respond re same;	135
8/10/17	1.3	1.3	225	Receive email from Ricky re: stay; respond re same; receive phone call from Ricky; conference with Tim; respond re: same;	292.5
8/11/17	0.3	0.3	225	Receive email from Rickey re: JCMP; respond re: same; Review JCMP from Ricky; respond re: same with revised draft.	67.5
8/21/17	1.5	1.5	225	Receive email from Rickey w/ new JCMP; conference with client and co counsel; edit JCMP; email to Ricky; receive call from Rickey re: my proposed JCMP; receive call from Rickey re: same; receive email with final JCMP version from August 11; respond re: same	337.5
8/22/17	0.7	0.7	225	Conference re: Stay Motion; Review Motion for Stay and edit; send to Ricky.	157.5
8/23/17	0.1	0.1	225	ECF: Order setting deadline ; download and save	22.5
8/23/17	0.1	0.1	225	Email from Ricky re: moving briefing scheduling to 1/19; respond re: same	22.5
8/24/17	0.1	0.1	225	ECF: Unopposed Motion to Stay; download and save.	22.5

8/30/17	0.1	0.1	225	ECF: Order granting Motion to Stay; Download, save and read.	22.5
11/30/17	0.5	0.5	225	Email from Ricky re: extension on stay; conference with Tim and client re: same; respond to Ricky re: same; receive reply re: same	112.5
12/8/17	0.1	0.1	225	ECF: Unopposed Motion to extend Stay; download read and save	22.5
12/11/17	0.1	0.1	225	ECF: Order Granting Motion to Extend Stay	22.5
2/2/18	0.5	0.5	250	Email from Ricky with Biological Assessment for Superfund Site; conference with Tim; forward to client.	125
2/2/18	0.1	0.1	250	Conference with Client re: BA	25
2/6/18	0.4	0.4	250	Conference with Tim re: strategy; email Ricky T with Time Sheets and proposal for Stip. Dismissal	100
2/7/18	0.2	0.2	250	Email from Ricky; conference with Tim re: same/strategy; respond to email re: same.	50
2/8/18	0.5	0.5	250	Draft Stipulation of Dismissal, send to Tim for Review	125
2/13/18	0.2	0.2	250	Receive edits from Tim; email to Ricky for review	50
2/15/18	1.8	1.8	250	Receive edits from Ricky; conference and edit Dismissal with Tim (.4); receive another draft from Rickey; Conference with Tim and edit (.2); begin drafting Motion for Attorney fees and costs (1.2)	450
2/16/18	4.1	4.1	250	Continue drafting Motion for Fees; conference with Tim re: filing Stipulation of Dismissal and timing for filing Motion for Fees; Draft Declaration for Garrity; Draft Declaration for me; research Montana case law re: catalyst fees; compile ECF docs for Rebecca's review.	1025
2/20/18	2.1	2.1	250	Receive edits from Tim; revise brief; revise Akland Declaration; call with client; conference with Tim re: same; compile exhibits.	525
Total hours	36				
Total hours billed	32.2				
Total Amount billed	7452.5				
Total Fees	7452.5				
Total Costs	432.02				
Total Fees and Costs	7884.52				

EXPENSES	Unit	Price	
pages	20	0.1	2
Postage for FOIA	4	0.47	1.88
Filing fee	1	400	400
Postage for Complaint	1	16.2	16.2
Postage for 60 day notice	1	11.94	11.94
Total Costs			432.02